



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,380	12/13/2005	Osamu Tochikubo	053458	3851

38834 7590 01/08/2008
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER

RUSH, ERIC

ART UNIT PAPER NUMBER

2624

MAIL DATE DELIVERY MODE

01/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/560,380

Applicant(s)

TOCHIKUBO ET AL.

Examiner

Eric Rush

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/13/2005, 2/17/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Kita U.S. Patent No. 6,703,918.

- With regards to claim 1, Kita teaches a personal identification device comprising a fingerprint sensor that detects a fingerprint; (Kita, Fig. 1 Element 8, Column 4 Lines 31 – 35,) and a scanner that calls a storage medium mounted on a portable device worn on a finger, a wrist, or an ankle of a user for reading recording information stored on said storage medium; (Kita, Figs. 1 & 3, Column 5 Lines 21 – 25, Column 7 Lines 53 - 62) said fingerprint sensor and said scanner being integrally provided in a device main body of said personal identification device, (Kita, Figs. 1 & 3) said personal identification device further comprising fingerprint comparison means for comparing fingerprint data of a user's finger

detected by said fingerprint sensor with fingerprint comparison data read by said scanner from the storage medium of the portable device worn on the finger, the wrist, or the ankle of the user for identifying an identity between a holder of said storage medium (Kita, Figs. 1 & 3, Column 5 Lines 21 – 25, Column 7 Lines 53 - 62) and an authentic user via said fingerprint comparison. (Kita, Figs. 1, 3 & 6, Column 5 Lines 21 – 25, Column 7 Lines 53 - 62)

- With regards to claim 2, Kita teaches the personal identification device according to claim 1, wherein said portable device has a shape of a ring or a bracelet. (Kita, Figs. 1 & 3, Column 4 Lines 22 - 26)
- With regards to claim 3, Kita teaches the personal identification device according to claim 2, wherein said fingerprint sensor and said scanner are positioned on the device main body (Kita, Figs. 1 & 3) where the detection of a user's fingerprint by the fingerprint sensor and the reading of the storage medium mounted on the portable device worn by the user can be performed at the same time. (Kita, Fig. 1 & 3, Column 7 Lines 53 - 62)
- With regards to claim 4/1-3, Kita teaches the personal identification device according to one of claims 1-3, further comprising display means in the device main body, (Kita, Fig. 1) wherein, based on the fingerprint

comparison, said scanner reads personal information from the recording information stored in said storage medium for display on said display means. (Kita, Column 7 Lines 40 – 67)

- With regards to claim 5/1-3, Kita teaches the personal identification device according to one of claims 1 – 3, wherein, based on the fingerprint comparison, said scanner reads identifying data, which identifies an individual, from the recording information stored in said storage medium (Kita, Column 7 Lines 53 - 62) and sends the identifying data to an external server to obtain personal information, which is identified by the identifying data, from the external server. (Kita, Column 19 Lines 48 - 67)
- With regards to claim 6/1-3, Kita teaches the personal identification device according to one of claims 1 – 3, wherein, based on the fingerprint comparison, the fingerprint data detected by said fingerprint sensor is sent to an external server to obtain personal information, which is identified by the fingerprint data from the external server. (Kita, Fig. 11 Column 12 Lines 6 - 67)
- With regards to claim 7/1-3, Kita teaches a system having a personal identification device, said system comprising: the personal identification device according to one of claims 1 – 3; and an electronic sealing device

that outputs seal data, (Kita, Column 19 Lines 48 – 67) wherein, based on the fingerprint comparison, said personal identification device uses the scanner to read seal data from the recording information stored in said storage medium and send the seal data to the electronic sealing device (Kita, Fig. 25, Column 19 Lines 48 – 67) and said electronic sealing device writes and reads the seal data, which has been read, to and from an external device. (Kita, Column 19 Lines 48 – 67)

- With regards to claim 8/7/1-3, Kita teaches the personal identification device according to claim 7, further comprising: display means in the device main body, (Kita, Fig. 1) wherein the seal data read from said storage medium and/or the seal data read from the external device is displayed on said display means. (Kita, Column 7 Lines 40 – 67 and Column 19 Lines 48 – 67)
- With regards to claim 9/1-3, Kita teaches a system having a personal identification device, said system comprising: the personal identification device according to one of claims 1 – 3; and a lock device that is unlocked by the comparison of identification data, (Kita, Column 19 Lines 48 – 67, the authentication data is locked/sealed prior to a successful authentication which once authenticated is released to the financial institution or network for settlement) wherein, based on the fingerprint

comparison, said personal identification device uses the scanner to read identification data from the recording information stored in said storage medium and sends the identification data to the lock device (Kita, Column 7 Lines 53 - 62) and said lock device is unlocked by a comparison between the identification data, which has been read, with identification data stored in advance. (Kita, Column 7 Lines 53 - 62)

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Norris, Jr. U.S. Patent No. 6,695,207; which is directed towards a system for secure, identity authentication via a wearable personalized authenticated controller.
- Basile et al. U.S. Patent No. 6,042,005; which is directed towards a personal identification and promotional system using personal and medical information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Rush whose telephone number is (571) 270-3017. The examiner can normally be reached on 7:30AM - 5:00PM (EST).

Application/Control Number:
10/560,380
Art Unit: 2624

Page 7

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on (571) 272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ER



SAMIR AHMED
SUPERVISORY PATENT EXAMINER